

ENTERED

November 16, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JANE DOE, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. 4:23-CV-02976
§
§
AETNA LIFE INSURANCE §
COMPANY, §
§
§
Defendant.

**ORDER ON AETNA LIFE INSURANCE COMPANY'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

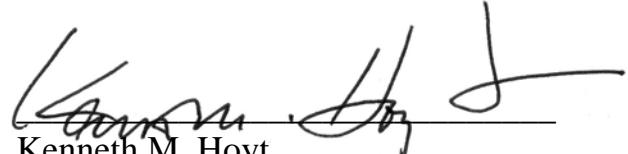
Before the Court is the defendant's, Aetna Life Insurance Company, motion to dismiss the plaintiff's claim pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim. The Court, having considered the motion, opposition, and arguments of counsel contained and, having reviewed the pleadings, is of the opinion that the defendant's motion to dismiss for failure to state a claim should be Denied

The Federal Rules of Civil Procedure, FRCP Rule 8(a)(1) provides that a plain and simple statement of the claim(s) asserted, taken as true, overcome a motion to dismiss. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). *See also Martin K. Eby Constr. Co. v. Dallas Area Rapid Transit*, 369 F.3d 464, 467 (5th Cir. 2004). The plaintiff's pleadings sufficiently state an ERISA claim.

Accordingly, it is ORDERED that the defendant's motion to dismiss for failure to state a claim is Denied.

It is so Ordered.

SIGNED on November 16, 2023, at Houston, Texas.



Kenneth M. Hoyt
United States District Judge